

Editor's note: Reconsideration denied by order dated June 10, 1977

KAREN COTTER, ET AL.

IBLA 77-167, et al.

Decided April 27, 1977

Appeals from separate determinations of the New Mexico and Wyoming State Offices of the Bureau of Land Management requesting additional rental prior to the issuance of noncompetitive oil and gas leases.

Affirmed.

1. Oil and Gas Leases: Applications: Generally! ! Oil and Gas Leases:
Noncompetitive Leases! ! Oil and Gas Leases:
Rentals! ! Regulations: Applicability

Where the Department, through a duly promulgated regulation, has increased the rental rate on all noncompetitive oil and gas leases issued after a specified date, such increased rate is applicable to all leases issued subsequent to that date, including leases issued pursuant to the simultaneous filing procedures, even though the lease offers were drawn with first priority prior to the effective date of the increase.

APPEARANCES: R. Hugo C. Cotter, Esq., for Karen Cotter; Phyllis and Armand St. Jean, pro sese; Melvin D. Guttman, pro se; Drusilla A. Anderson, pro se; Peter E. Eng, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Karen Cotter and others 1/ have respectively appealed from determinations by the New Mexico or Wyoming State Offices, Bureau

1/ The pertinent data as to each appellant is:

IBLA Docket No.	BLM Serial No.	Official Name	BLM Decision date
77-167	NM 29333	Karen Cotter	February 7, 1977
77-168	NM 29406	Phyllis St. Jean	February 7, 1977
		Armond St. Jean	

of Land Management, requiring payment of rental at the rate of \$ 1 per acre prior to the issuance of noncompetitive oil and gas leases.

In each case, appellant's drawing entry card had been drawn first in a simultaneous oil and gas lease offering. The decisions were based on a change in the regulation, 43 CFR 3103.3-2, increasing the rental from 50 cents to \$ 1 per acre on all noncompetitive leases issued on or after February 1, 1977.

The appellants contend that a change in the rental rate after they had filed and particularly after they had paid at the 50! cent rate, in response to a demand from the State Office, should not apply to them.

The precise issue raised in these appeals has been fully considered by this Board in several recent cases, Milton J. Lesback, 29 IBLA 316 (1977); Raymond N. Joeckel, 29 IBLA 170 (1977). These two decisions held that the increased rental must be paid on a lease issued on or after February 1, 1977. For the reasons stated therein, the appellants were properly required to pay the annual rental of \$ 1 per acre.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from is affirmed.

Martin Ritvo
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Joan B. Thompson
Administrative Judge

fn. 1 (continued)

77-169	NM 29430	Melvin D. Guttman	February 2, 1977
77-171	W 57711	Drusilla A. Anderson	January 17, 1977
77-172	NM 29186	Peter E. Eng	February 8, 1977
	29187		

